

FEB 20 2008

REMARKS

No new matter has been added. No claims have been amended, added or canceled.

Claim Rejections – 35 U.S.C. § 103

Claims 1-2 and 10-24 stand rejected under 35 U.S.C § 103(a) as being unpatentable over Ma et al. (ACS Symposium Series, 765, 2000, 254-270) in view of Anderson et al (Polymeric Materials Science and Engineering, 79, 1998, 411-412) further in view of Emmons et al. (U.S. Patent 4,079,028).

Ma et al. fails to teach or suggest a hydrophobically modified polyethoxylated urethane thickener comprising a urethane linkage formed from any of the diisocyanates listed in instant claim 1. In contrast, Ma et al. is a study of beta-cyclodextrin complexations through various analytical methods where results are correlated to hydrophobe size. (See, for example, page 256, line 6, and page 262, figure 6 of Ma et al.). There is no teaching or suggestion in Ma et al. that “the configuration of the diisocyanate used to make the thickener urethane linkage affects the viscosity suppression efficiency of a cyclodextrin-containing compound” (See page 6, last paragraph of instant specification).

Anderson et al. analyzes the rheological differences between HDI and H12MDI HEURs. Emmons et al. discloses the use of a variety of diisocyanate compounds for preparation of hydrophobically modified polymers. The diisocyanates in Emmons et al. are disclosed as a broad group and there is no teaching or suggestion of a way to arrive at the instantly claimed group of diisocyanates. Both Anderson et al. and Emmons et al. are unrelated to either Ma et al. or the instant invention and fail to teach or suggest anything about cyclodextrin complexation, let alone indicate which diisocyanates would be useful for cyclodextrin complexation.

Thus, there is no teaching, suggestion, or motivation to combine the above references, and absent improper hindsight analysis, one skilled in the art would not combine these references in order to arrive at the instant invention. While Ma et al. involves a chemical analysis of cyclodextrin complexation, neither Anderson et al. nor Emmons et al. even mention cyclodextrin or any other encapsulation materials. There is no teaching or suggestion in either Anderson et al. or Emmons et al. that any of the disclosed diisocyanates would affect how terminal hydrophobes

complex with cyclodextrin. Because nothing in Ma et al. discloses to one of ordinary skill in the art that the configuration of diisocyanates is important for cyclodextrin complexation, there is no teaching, suggestion, or motivation to seek out alternative diisocyanate configurations in references such as Emmons et al. and Anderson et al., where only HEUR polymers are disclosed without mention of cyclodextrin.

Moreover, Ma et al., Anderson et al., and Emmons et al., taken alone or in combination, fail to teach or suggest that the configuration of the diisocyanate used to make the thickener urethane linkage affects the viscosity suppression efficiency of a cyclodextrin-containing compound. Thus, it would be unlikely for one of ordinary skill in the art to even experiment with diisocyanate linkers in order to improve cyclodextrin complexation, let alone arrive at the instantly claimed diisocyanates. Because the above art fails to teach the problem or its source, the solution of using the instantly claimed diisocyanates was not be obvious to one of ordinary skill in the art at the time of the instant invention.

Applicant appreciates that the Examiner did not comment on nor disclose additional references in response to Applicants contention that none of the cited references disclose the instantly recited solids content for an aminoplast thickener in respect to instant claims 10-24. Because all cited references refer to urethane thickeners and because the Examiner has not articulated how said references are related to aminoplast thickeners, Applicant respectfully requests withdrawal of the 35 U.S.C § 103(a) rejection as applied to instant claims 10-24.

Claims 1-2 and 10-24 stand rejected under 35 U.S.C § 103(a) as being unpatentable over Eisenhart et al. (U.S. Patent No. 5,137,571) in view of Anderson et al (Polymeric Materials Science and Engineering, 79, 1998, 411-412) further in view of Emmons et al. (U.S. Patent 4,079,028).

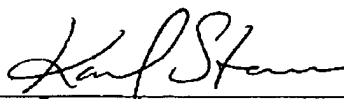
Eisenhart et al. fails to teach or suggest a hydrophobically modified polyethoxylated urethane thickener comprising a urethane linkage formed from any of the diisocyanates listed in instant claim 1. Eisenhart et al. discloses a method for improving thickeners by complexation of cyclodextrin with hydrophobic moieties on the thickener molecule, but does not specifically mention diisocyanates, let alone the effect of its configuration on cyclodextrin complexation.

As described above, neither Anderson et al. nor Emmons et al. relate to cyclodextrin complexation. Because nothing in Eisenhart et al. discloses to one of ordinary skill in the art that the configuration of diisocyanates is important for cyclodextrin complexation, there is no teaching, suggestion, or motivation to seek out alternative diisocyanate configurations in references such as Emmons et al. and Anderson et al., where only HEUR polymers are disclosed without mention of cyclodextrin. Therefore, because there is no motivation to combine Eisenhart et al., Anderson et al., and Emmons et al., and because the recited art fails to teach the problem or its source, the solution of using the instantly claimed diisocyanates was not obvious to one of ordinary skill in the art at the time of the instant invention. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C § 103(a) rejection as applied to instant claims 1 and 2.

Applicant appreciates that the Examiner did not comment on nor disclose additional references in response to Applicants contention that none of the cited references disclose the instantly recited solids content for an aminoplast thickener in respect to instant claims 10-24. Because all cited references refer to urethane thickeners and because the Examiner has not articulated how said references are related to aminoplast thickeners, Applicant respectfully requests withdrawal of the 35 U.S.C § 103(a) rejection as applied to instant claims 10-24.

Applicant maintains that such claims are patentable. Applicant's attorney thanks the Examiner for the time taken to review this response. In view of the foregoing remarks, Applicant respectfully requests reconsideration of the rejection and allowance of the claims. The Examiner is encouraged to contact the attorney listed below if there are any questions or comments.

Respectfully submitted,



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